

RECEIVED  
CENTRAL FAX CENTER

JAN 04 2005

## FACSIMILE TRANSMITTAL SHEET

Today's Date: January 4, 2005 Time: 4:16 PM Employee ID: 6604 # of Pages: 73

From: Deborah A. Miller, Ph.D.	Direct Dial: 617-439-2863	Fax No: 617-310-9863
--------------------------------	---------------------------	----------------------

RECIPIENT	COMPANY	FAX NO.	PHONE NO.
	USPTO	571 273-8300	

## COMMENTS:

Re: Application No. 10/766,642

Title: Enhancement of Angiogenesis To Grafts Using Cells Engineered to Produce  
Growth Factors

Filing Date: January 28, 2004

Group Art Unit: 1651

Examiner: A. Ford

Please see attached Information Disclosure Statement regarding the above-referenced application.

1392517.1

## STATEMENT OF CONFIDENTIALITY

The documents included with this facsimile transmittal sheet contain information from the law firm of Nutter McClennen & Fish LLP which is confidential and/or privileged. The information is intended to be for the use of the addressee named on this transmittal sheet. If you are not the addressee, note that any disclosure, photocopying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone (collect) immediately so that we can arrange for the retrieval of the original documents at no cost to you.

IF THERE IS A PROBLEM WITH THIS TRANSMISSION, OR IF YOU DID NOT RECEIVE ALL PAGES,  
PLEASE CALL 617-439-2676, AS SOON AS POSSIBLE

FOR NUTTER MCLENNEN &amp; FISH LLP USE ONLY

Client-Matter No.

Nutter McClennen &amp; Fish LLP ■ Attorneys at Law

World Trade Center West ■ 155 Seaport Blvd. ■ Boston, MA 02210-2604 ■ 617-439-2000 ■ Fax: 617-310-9000 ■ www.nutter.com

PAGE 1/9 \* RCVD AT 1/4/2005 4:50:23 PM [Eastern Standard Time] \* SVR:USPTO-EFAXF-1/25 \* DNIS:2738300 \* CSID:01116173109000 \* DURATION (mm-ss):03-18

JAN 04 2005

Attorney Docket No.: 105447-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Anthony Atala et al.

Application No.: 10/766,642 - 4621

Group Art Unit: 1651

Filed: January 28, 2004

Examiner: A. Ford

For: Enhancement of Angiogenesis To Grafts Using  
Cells Engineered To Produce Growth Factors

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

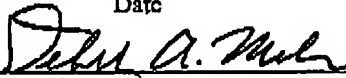
1. Information Disclosure Statement; and
2. PTO/SB/08 Form cited (23) references thereon.

The Commissioner is authorized to charge any overpayments or underpayments if necessary to our Deposit Account No. 141449, Reference No. 105447-2, Customer No. 021125. A duplicate of this sheet is enclosed.

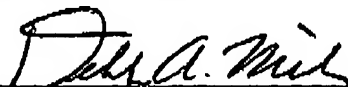
I hereby certify that this correspondence is being  
sent via facsimile at 571-273-8300 to:  
Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450 on:

January 4, 2005

Date

  
Deborah A. Miller, Reg. No 53,328

Respectfully submitted,



Deborah A. Miller, Reg. No. 53,328  
Agent For Applicants  
NUTTER MCLENNEN & FISH, LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, Massachusetts 02210-2604  
Tel. (617) 439-2863  
Fax (617) 310-9863

1391970.1

JAN 04 2005

Attorney Docket No.: 105447-2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Anthony Atala et al.

Application No.: 10/766,642 - 4621

Group Art Unit: 1651

Filed: January 28, 2004

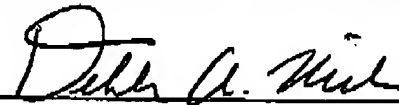
Examiner: A. Ford

For: Enhancement of Angiogenesis To Grafts Using  
Cells Engineered To Produce Growth FactorsCertificate of Facsimile

I hereby certify that this correspondence is being sent via facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 571-273-8300 on:

January 4, 2005

By:

Date of Signature and  
TransmissionDeborah A. Miller  
Reg. No: 53,328Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56, §1.97 and §1.98, Applicants herewith make of record the reference listed on the attached copy of PTO/SB/08A Form. In accordance with §1.97(b), this statement is being filed before the mailing of a first Office Action.

Applicants have not submitted copies of each cited U.S. patent and each U.S. patent application as required by 37 C.F.R. 1.98 (a)(2)(i) since the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. If a copy of any cited reference is needed, please call the undersigned at the telephone number indicated below.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation

that such publication is prior art. Moreover, the Applicants understand the Examiner will make an independent evaluation of the cited publications.

Accordingly, no additional costs are believed to be due in connection with the filing of this Information Disclosure Statement. However, please charge any necessary fees in connection with the enclosed statement to our Deposit Order Account No. 141449.

Dated: January 4, 2005

Respectfully submitted,

By



Deborah A. Miller, Reg. No. 53,328  
Agent For Applicants  
Nutter, McClennen & Fish, LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210-2604  
Tel. (617) 439-2863  
Fax. (617) 310-9863

1391962.1

PTO/SB/083/b (08-03)

Approved for use through 07/31/2006, CMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				Application Number	10/766,642
				Filing Date	January 28, 2004
				First Named Inventor	Anthony Atala et al.
				Art Unit	1651
				Examiner Name	A. Ford
Sheet	1	of	1	Attorney Docket Number	105447-2

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
	AA	6,753,181	06/22/2004	Atala		
	AB	6,673,339	01/08/2004	Atala et al.		
	AC	6,620,203	09/18/2003	Atala		
	AD	6,576,019	06/10/2003	Atala		
	AE	6,519,492	02/11/2003	Yoo et al.		
	AF	6,482,645	11/19/2002	Atala		
	AG	6,479,064	11/12/2002	Atala		
	AH	6,432,081	08/13/2002	Atala		
	AI	6,428,802	08/06/2002	Atala		
	AJ	6,383,478	05/07/2002	Prokop et al.		
	AK	6,376,244	04/23/2002	Atala		
	AL	6,171,344	01/09/2001	Atala		
	AM	6,165,487	12/26/2000	Ashkar et al.		
	AN	6,140,039	10/31/2000	Naughton et al.		
	AO	5,858,721	01/12/1999	Naughton et al.		
	AP	5,785,964	07/28/1998	Naughton et al.		
	AQ	5,855,610	01/05/1999	Vacanti et al.		
	AR	5,851,633	12/22/1998	Atala		
	AS	5,266,480	11/30/1993	Naughton et al.		
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>2</sup> -Number-Kind Code <sup>3</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>4</sup>
	BA	WO 02/073187	09/19/2002	Advanced Cell Technology, Inc.		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CA	Cima, L.G. et al. "Tissue Engineering By Cell Transplantation Using Degradable Polymer Substrates", Journal of Biomechanical Engineering" Vol. 113, pg. 143-151 (1991);	
	CB	Lanza, Robert P. et al. "Generation of Histocompatible Tissues Using Nuclear Transplantation" Nature Biotechnology, Vol. 20, pg. 689-696 (2002).	
	CC	Schuch, Gunter et al. "In Vivo Administration of Vascular Endothelial Growth Factor (VEGF) And Its Antagonist, Soluble Neuropilin-1, Predicts A Role of VEGF In The Progression of Acute Myeloid Leukemia In Vivo", Blood, Vol. 100, No. 13, pg. 4622-4628 (2002);	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.  
<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
--------------------	-----------------